

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 264

Introduced by Assembly Member Maienschein

February 7, 2013

~~An act relating to homelessness.~~ *An act to amend Section 11450 of the Welfare and Institutions Code, relating to public social services.*

LEGISLATIVE COUNSEL'S DIGEST

AB 264, as amended, Maienschein. ~~Homelessness: housing.~~ *CalWORKs: temporary shelter assistance.*

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law provides certain eligible families with homeless assistance, including temporary shelter assistance for a period of 16 consecutive calendar days.

This bill would eliminate the requirement that these days be consecutive. Because this bill would create new administrative duties for counties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Under existing law, various agencies administer programs for the support of homeless persons.~~

~~This bill would state the intent of the Legislature to enact legislation to provide housing for homeless persons in this state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11450 of the Welfare and Institutions
2 Code, as amended by Section 37 of Chapter 21 of the Statutes of
3 2013, is amended to read:
4 11450. (a) (1) Aid shall be paid for each needy family, which
5 shall include all eligible brothers and sisters of each eligible
6 applicant or recipient child and the parents of the children, but
7 shall not include unborn children, or recipients of aid under Chapter
8 3 (commencing with Section 12000), qualified for aid under this
9 chapter. In determining the amount of aid paid, and notwithstanding
10 the minimum basic standards of adequate care specified in Section
11 11452, the family's income, exclusive of any amounts considered
12 exempt as income or paid pursuant to subdivision (e) or Section
13 11453.1, determined for the prospective semiannual period
14 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
15 calculated pursuant to Section 11451.5, shall be deducted from
16 the sum specified in the following table, as adjusted for
17 cost-of-living increases pursuant to Section 11453 and paragraph
18 (2). In no case shall the amount of aid paid for each month exceed
19 the sum specified in the following table, as adjusted for
20 cost-of-living increases pursuant to Section 11453 and paragraph
21 (2), plus any special needs, as specified in subdivisions (c), (e),
22 and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the mother, and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(2) Notwithstanding paragraph (1), when the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother for the month in which the birth is anticipated and for the three-month period immediately prior to the month in which the birth is anticipated in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the mother and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(3) Paragraph (1) shall apply only when the Cal-Learn Program is operative.

(c) The amount of forty-seven dollars (\$47) per month shall be paid to pregnant mothers qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the mother, and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants and Children program. If that payment to pregnant mothers qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the mother, and the child, if born, would have qualified for aid under this chapter.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month which, when added to the child's income, is equal to the rate specified in Section 11460, 11461, 11462, 11462.1, or 11463. In addition, the child shall be eligible for special needs, as specified in departmental regulations.

(e) In addition to the amounts payable under subdivision (a) and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs shall include, but not be limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping services, telephone, and utilities. The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying

1 the sum of ten dollars (\$10) by the number of recipients in the
2 family who are eligible for assistance.

3 (f) After a family has used all available liquid resources, both
4 exempt and nonexempt, in excess of one hundred dollars (\$100),
5 with the exception of funds deposited in a restricted account
6 described in subdivision (a) of Section 11155.2, the family shall
7 also be entitled to receive an allowance for nonrecurring special
8 needs.

9 (1) An allowance for nonrecurring special needs shall be granted
10 for replacement of clothing and household equipment and for
11 emergency housing needs other than those needs addressed by
12 paragraph (2). These needs shall be caused by sudden and unusual
13 circumstances beyond the control of the needy family. The
14 department shall establish the allowance for each of the
15 nonrecurring special need items. The sum of all nonrecurring
16 special needs provided by this subdivision shall not exceed six
17 hundred dollars (\$600) per event.

18 (2) Homeless assistance is available to a homeless family
19 seeking shelter when the family is eligible for aid under this
20 chapter. Homeless assistance for temporary shelter is also available
21 to homeless families which are apparently eligible for aid under
22 this chapter. Apparent eligibility exists when evidence presented
23 by the applicant, or which is otherwise available to the county
24 welfare department, and the information provided on the
25 application documents indicate that there would be eligibility for
26 aid under this chapter if the evidence and information were verified.
27 However, an alien applicant who does not provide verification of
28 his or her eligible alien status, or a woman with no eligible children
29 who does not provide medical verification of pregnancy, is not
30 apparently eligible for purposes of this section.

31 A family is considered homeless, for the purpose of this section,
32 when the family lacks a fixed and regular nighttime residence; or
33 the family has a primary nighttime residence that is a supervised
34 publicly or privately operated shelter designed to provide temporary
35 living accommodations; or the family is residing in a public or
36 private place not designed for, or ordinarily used as, a regular
37 sleeping accommodation for human beings. A family is also
38 considered homeless for the purpose of this section if the family
39 has received a notice to pay rent or quit. The family shall
40 demonstrate that the eviction is the result of a verified financial

1 hardship as a result of extraordinary circumstances beyond their
2 control, and not other lease or rental violations, and that the family
3 is experiencing a financial crisis that could result in homelessness
4 if preventative assistance is not provided.

5 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
6 a day shall be available to families of up to four members for the
7 costs of temporary shelter, subject to the requirements of this
8 paragraph. The fifth and additional members of the family shall
9 each receive fifteen dollars (\$15) per day, up to a daily maximum
10 of one hundred twenty-five dollars (\$125). County welfare
11 departments may increase the daily amount available for temporary
12 shelter as necessary to secure the additional bedspace needed by
13 the family.

14 (ii) This special need shall be granted or denied immediately
15 upon the family's application for homeless assistance, and benefits
16 shall be available for up to three working days. The county welfare
17 department shall verify the family's homelessness within the first
18 three working days and if the family meets the criteria of
19 questionable homelessness established by the department, the
20 county welfare department shall refer the family to its early fraud
21 prevention and detection unit, if the county has such a unit, for
22 assistance in the verification of homelessness within this period.

23 (iii) After homelessness has been verified, the three-day limit
24 shall be extended for a period of time which, when added to the
25 initial benefits provided, does not exceed a total of 16 calendar
26 days. This extension of benefits shall be done in increments of one
27 week and shall be based upon searching for permanent housing
28 which shall be documented on a housing search form; good cause;
29 or other circumstances defined by the department. Documentation
30 of a housing search shall be required for the initial extension of
31 benefits beyond the three-day limit and on a weekly basis thereafter
32 as long as the family is receiving temporary shelter benefits. Good
33 cause shall include, but is not limited to, situations in which the
34 county welfare department has determined that the family, to the
35 extent it is capable, has made a good faith but unsuccessful effort
36 to secure permanent housing while receiving temporary shelter
37 benefits.

38 (B) A nonrecurring special need for permanent housing
39 assistance is available to pay for last month's rent and security
40 deposits when these payments are reasonable conditions of securing

1 a residence, or to pay for up to two months of rent arrearages, when
2 these payments are a reasonable condition of preventing eviction.

3 The last month's rent or monthly arrearage portion of the
4 payment (i) shall not exceed 80 percent of the family's total
5 monthly household income without the value of CalFresh benefits
6 or special needs for a family of that size and (ii) shall only be made
7 to families that have found permanent housing costing no more
8 than 80 percent of the family's total monthly household income
9 without the value of CalFresh benefits or special needs for a family
10 of that size.

11 However, if the county welfare department determines that a
12 family intends to reside with individuals who will be sharing
13 housing costs, the county welfare department shall, in appropriate
14 circumstances, set aside the condition specified in clause (ii) of
15 the preceding paragraph.

16 (C) The nonrecurring special need for permanent housing
17 assistance is also available to cover the standard costs of deposits
18 for utilities which are necessary for the health and safety of the
19 family.

20 (D) A payment for or denial of permanent housing assistance
21 shall be issued no later than one working day from the time that a
22 family presents evidence of the availability of permanent housing.
23 If an applicant family provides evidence of the availability of
24 permanent housing before the county welfare department has
25 established eligibility for aid under this chapter, the county welfare
26 department shall complete the eligibility determination so that the
27 denial of or payment for permanent housing assistance is issued
28 within one working day from the submission of evidence of the
29 availability of permanent housing, unless the family has failed to
30 provide all of the verification necessary to establish eligibility for
31 aid under this chapter.

32 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
33 for the temporary shelter assistance and the permanent housing
34 assistance pursuant to this paragraph shall be limited to one period
35 of up to 16 consecutive calendar days of temporary assistance and
36 one payment of permanent assistance. Any family that includes a
37 parent or nonparent caretaker relative living in the home who has
38 previously received temporary or permanent homeless assistance
39 *for 16 days* at any time on behalf of an eligible child shall not be
40 eligible for further homeless assistance. Any person who applies

1 for homeless assistance benefits shall be informed that the
2 temporary shelter benefit of up to 16-consecutive days is available
3 only once in a lifetime, with certain exceptions, and that a break
4 in the consecutive use of the benefit constitutes permanent
5 exhaustion of the temporary benefit. *exceptions.*

6 (ii) A family that becomes homeless as a direct and primary
7 result of a state or federally declared natural disaster shall be
8 eligible for temporary and permanent homeless assistance.

9 (iii) A family shall be eligible for temporary and permanent
10 homeless assistance when homelessness is a direct result of
11 domestic violence by a spouse, partner, or roommate; physical or
12 mental illness that is medically verified that shall not include a
13 diagnosis of alcoholism, drug addiction, or psychological stress;
14 or, the uninhabitability of the former residence caused by sudden
15 and unusual circumstances beyond the control of the family
16 including natural catastrophe, fire, or condemnation. These
17 circumstances shall be verified by a third-party governmental or
18 private health and human services agency, except that domestic
19 violence may also be verified by a sworn statement by the victim,
20 as provided under Section 11495.25. Homeless assistance payments
21 based on these specific circumstances may not be received more
22 often than once in any 12-month period. In addition, if the domestic
23 violence is verified by a sworn statement by the victim, the
24 homeless assistance payments shall be limited to two periods of
25 not more than 16-consecutive calendar days of temporary assistance
26 and two payments of permanent assistance. A county may require
27 that a recipient of homeless assistance benefits who qualifies under
28 this paragraph for a second time in a 24-month period participate
29 in a homelessness avoidance case plan as a condition of eligibility
30 for homeless assistance benefits. The county welfare department
31 shall immediately inform recipients who verify domestic violence
32 by a sworn statement pursuant to clause (iii) of the availability of
33 domestic violence counseling and services, and refer those
34 recipients to services upon request.

35 (iv) If a county requires a recipient who verifies domestic
36 violence by a sworn statement to participate in a homelessness
37 avoidance case plan pursuant to clause (iii), the plan shall include
38 the provision of domestic violence services, if appropriate.

39 (v) If a recipient seeking homeless assistance based on domestic
40 violence pursuant to clause (iii) has previously received homeless

1 avoidance services based on domestic violence, the county shall
2 review whether services were offered to the recipient and consider
3 what additional services would assist the recipient in leaving the
4 domestic violence situation.

5 (vi) The county welfare department shall report to the
6 department through a statewide homeless assistance payment
7 indicator system, necessary data, as requested by the department,
8 regarding all recipients of aid under this paragraph.

9 (F) The county welfare departments, and all other entities
10 participating in the costs of the CalWORKs program, have the
11 right in their share to any refunds resulting from payment of the
12 permanent housing. However, if an emergency requires the family
13 to move within the 12-month period specified in subparagraph
14 (E), the family shall be allowed to use any refunds received from
15 its deposits to meet the costs of moving to another residence.

16 (G) Payments to providers for temporary shelter and permanent
17 housing and utilities shall be made on behalf of families requesting
18 these payments.

19 (H) The daily amount for the temporary shelter special need for
20 homeless assistance may be increased if authorized by the current
21 year's Budget Act by specifying a different daily allowance and
22 appropriating the funds therefor.

23 (I) No payment shall be made pursuant to this paragraph unless
24 the provider of housing is a commercial establishment, shelter, or
25 person in the business of renting properties who has a history of
26 renting properties.

27 (g) The department shall establish rules and regulations ensuring
28 the uniform application statewide of this section.

29 (h) The department shall notify all applicants and recipients of
30 aid through the standardized application form that these benefits
31 are available and shall provide an opportunity for recipients to
32 apply for the funds quickly and efficiently.

33 (i) Except for the purposes of Section 15200, the amounts
34 payable to recipients pursuant to Section 11453.1 shall not
35 constitute part of the payment schedule set forth in subdivision
36 (a).

37 The amounts payable to recipients pursuant to Section 11453.1
38 shall not constitute income to recipients of aid under this section.

39 (j) For children receiving Kin-GAP pursuant to Article 4.5
40 (commencing with Section 11360) or Article 4.7 (commencing

1 with Section 11385) there shall be paid, exclusive of any amount
2 considered exempt as income, an amount of aid each month, which,
3 when added to the child's income, is equal to the rate specified in
4 Sections 11364 and 11387.

5 (k) (1) This section shall become operative on April 1, 2013.
6 A county shall implement the semiannual reporting requirements
7 in accordance with the act that added this section no later than
8 October 1, 2013.

9 (2) Upon implementation described in paragraph (1), each
10 county shall provide a certificate to the director certifying that
11 semiannual reporting has been implemented in the county.

12 (3) Upon filing the certificate described in paragraph (2), a
13 county shall comply with the semiannual reporting provisions of
14 this section.

15 *SEC. 2. If the Commission on State Mandates determines that*
16 *this act contains costs mandated by the state, reimbursement to*
17 *local agencies and school districts for those costs shall be made*
18 *pursuant to Part 7 (commencing with Section 17500) of Division*
19 *4 of Title 2 of the Government Code.*

20 ~~SECTION 1. It is the intent of the Legislature to enact~~
21 ~~legislation to provide housing for homeless persons in this state.~~